THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 14800 of 1999

DATE: 13-04-2007

Between :

K.Kamalaji and 2 others.

… Petitioners

And

The District Collector,
Kurnool, Kurnool District and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 14800 of 1999

ORDER:

This writ petition is filed seeking a declaration that the notification dated 04-03-1999 under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') acquiring the land of the petitioners situated in Sy.No.38 of Dupadu village, Kurnool District is arbitrary and illegal.

The material on record shows that the notification dated 04-03-1999 was issued under Section 4(1) of the Act, acquiring the land in question for a public purpose for providing house sites to weaker sections of the village. While invoking the urgency clause under Section 17(4) of the Act, the enquiry under Section 5-A of the Act was dispensed with. At that stage, this writ petition was filed contending *inter alia* that since the petitioners are marginal farmers and are solely depending upon the land in question for their livelihood, the acquisition of the said land is unwarranted and unjustified.

This Court, while ordering notice, by order, dated 13-08-1999 directed that *status quo* as on that day shall be maintained and the said order continued to be in operation through out. No counter affidavit has been filed by any of the respondents so far and nothing has been placed before this Court to show that any declaration under Section 6 of the Act is made.

When the matter is taken up for hearing, it is reported that by virtue of the interim order, no further steps were taken by the

respondents pursuant to the impugned notification and as a matter of fact, the purpose for which the land was sought to be acquired does not exist as on today.

Having regard to the facts and circumstances of the case and in the absence of any counter affidavit, I deem it appropriate to dispose of the writ petition with a direction to the respondents to conduct an enquiry under Section 5-A of the Act, thereby providing an opportunity to the petitioners to raise all the objections against the proposed acquisition of land. Till such enquiry is conducted and appropriate decision is taken, the status quo as ordered on 13-08-1999 shall continue.

The writ petition is accordingly, disposed of. No costs.

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G. ROHINI, J

Dt.13-04-2007
KLP